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THE FORT ST. GEORGE GAZETTE.

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Part IV.—Proceedings of the Madras Legislature.

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Proceedings of a Meeting of the Council of the Governor of Fort St. George assembled for the purpose of making Laws and Regulations under the provisions of the Act of Parliament, 5 & 6 Geo. V, Ch. 61.

The Council assembled at the Council Chamber, Fort St. George, at 11 a.m. on Tuesday, the 12th day of August 1919.

PRESENT:

His Excellency the Right Hon'ble Lord WILLINGDON of RATTON, G.C.S.I., G.C.I.E., G.B.E., Governor of Madras—*Presiding.*
The Hon'ble Mr. L. DAVIDSON, C.S.I.
The Hon'ble Mr. C. G. TODHUNTER.
The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur.
The Hon'ble Mr. A. Y. G. CAMPBELL, C.I.E.
The Hon'ble Mr. S. COX.
The Hon'ble Mr. R. W. DAVIES.
The Hon'ble Major-General G. G. GIFFARD, C.S.I.
The Hon'ble Mr. L. T. HARRIS.
The Hon'ble Mr. W. J. J. HOWLEY.
The Hon'ble Mr. R. LITTLEHAILES.
The Hon'ble Mr. E. S. LLOYD.
The Hon'ble Mr. N. E. MARJORIBANKS, C.I.E.
The Hon'ble Mr. S. SRINIVASA AYYANGAR (*Advocate-General*).
The Hon'ble Diwan Bahadur P. TYAGARAYA CHETTI Garu.
The Hon'ble the Rev. E M. MACPHAIL.
The Hon'ble Mr. C. V. S. NARASIMHA RAJU.
The Hon'ble Mr. K. VENKATAPPAYYA PANTULU.
The Hon'ble Rao Bahadur T. BALAJI RAO NAYUDU Garu.
The Hon'ble Mr. P. SIVA RAO.

The Hon'ble Mr. W. VIJAYARAGHAVA MUDALIYAR.
The Hon'ble Mr. B. V. NARASIMHA AYYAR.
The Hon'ble Mr. V. MADHAVA RAJA, ELAYA NAMBIDI of Kollengode.
The Hon'ble Rao Bahadur V. K. RAMANUJA ACHARIYAR Avargal.
The Hon'ble Rai Bahadur T. N. SIVAGNANAM PILLAI Avargal.
The Hon'ble Sri RAJA RAO VENKATA KUMARA MAHIPATI SURYA RAO Bahadur, Raja of Pithāpuram.
The Hon'ble B. RAJA RAJESWARA SETUPATI alias MUTTURAMALINGA SETUPATI Avargal, Raja of Ramnad.
The Hon'ble Mr. B. VENKATAPATI RAJU.
The Hon'ble Mr. T. R. RAMACHANDRA AYYAR.
The Hon'ble Khan Sahib HAJI ABD-UL-LAH HAJI QASIM SAHIB Bahadur.
The Hon'ble Khan Bahadur A. T. G. M. AHMAD TAMBI MARAKKAYAR SAHIB Bahadur.
The Hon'ble Sir GORDON FRASER, *Kt.*
The Hon'ble Mr. J. H. THONGER.
The Hon'ble Mr. J. A. RICHARDSON.
The Hon'ble Mr. T. ARUMAINATHA PILLAI.
The Hon'ble Mr. M. CHINNATAMBI RAJA.
The Hon'ble Diwan Bahadur T. DESIKA ACHARIYAR Avargal.
The Hon'ble Mr. M. D. DEVADOSS.
The Hon'ble Mr. H. H. G. MITCHELL, O.B.E.
The Hon'ble Khan Bahadur N. MUHAMMAD USMAN SAHIB Bahadur.
The Hon'ble Rao Sahib M. C. MUTTAYYA CHETTIYAR Avargal.
The Hon'ble Rao Sahib T. NAMBERUMAL CHETTI Garu.
The Hon'ble Raja Sri KRISHNA CHANDRA GAJAPATI NARAYANA DEO Garu, Zamindar of Parlākimedi.
The Hon'ble Raja, SRI RAVU VENKATA KUMARA KRISHNA RANGA RAO Bahadur, of Bobbili.
The Hon'ble Mr. T. RICHMOND.
The Hon'ble Rao Bahadur N. SUBBA RAO Avargal.

NEW ADDITIONAL MEMBERS.

The SECRETARY reported the election and nomination of the following Additional Members to the Council :—

The Hon'ble Mr. A. Y. G. CAMPBELL, C.I.E.
The Hon'ble Mr. S. COX.
The Hon'ble Mr. R. W. DAVIES.
The Hon'ble Major-General G. G. GIFFARD, C.S.I.
The Hon'ble Mr. L. T. HARRIS.
The Hon'ble Mr. W. J. J. HOWLEY.
The Hon'ble Mr. R. LITTLEHAILES.
The Hon'ble Mr. E. S. LLOYD.
The Hon'ble Mr. N. E. MARJORIBANKS, C.I.E.
The Hon'ble Mr. S. SRINIVASA AYYANGAR (*Advocate-General*).
The Hon'ble Diwan Bahadur P. TYAGARAYA CHETTI Garu.
The Hon'ble the Rev. E. M. MACPHAIL.
The Hon'ble Mr. C. V. S. NARASIMHA RAJU.
The Hon'ble Mr. K. VENKATAPPAYYA PANTULU.
The Hon'ble Rao Bahadur T. BALAJI RAO NAYUDU Garu.
The Hon'ble Mr. P. SIVA RAO.
The Hon'ble Mr. W. VIJAYARAGHAVA MUDALIYAR.
The Hon'ble Mr. B. V. NARASIMHA AYYAR.
The Hon'ble Mr. V. MADHAVA RAJA, ELAYA NAMBIDI of Kollengode.
The Hon'ble Rao Bahadur V. K. RAMANUJA ACHARIYAR Avargal.
The Hon'ble Rao Bahadur T. N. SIVAGNANAM PILLAI Avargal.
The Hon'ble Sri RAJA RAO VENKATA KUMARA MAHIPATI SURYA RAO Bahadur, Raja of Pithāpuram.
The Hon'ble B. RAJA RAJESWARA SETUPATI alias MUTTURAMALINGA SETUPATI Avargal, Raja of Ramnad.
The Hon'ble Mr. B. VENKATAPATI RAJU.
The Hon'ble Mr. T. R. RAMACHANDRA AYYAR.
The Hon'ble Khan Sahib HAJI ABD-UL-LAH HAJI QASIM SAHIB Bahadur.
The Hon'ble YAQUB HASAN SAHIB Bahadur.
The Hon'ble Khan Bahadur A. T. G. M. AHMAD TAMBI MARAKKAYAR SAHIB Bahadur.
The Hon'ble Sir GORDON FRASER, *Kt.*
The Hon'ble Mr. J. H. THONGER.
The Hon'ble Mr. J. A. RICHARDSON.

The Hon'ble Mr. T. ARUMAINATHA PILLAI.
The Hon'ble Mr. M. CHINNATAMBI RAJA.
The Hon'ble Diwan Bahadur T. DESIKA ACHARIYAR Avargal.
The Hon'ble Mr. M. D. DEVADOSS.
The Hon'ble Mr. H. H. G. MITCHELL, O.B.E.
The Hon'ble Khan Bahadur N. MUHAMMAD USMAN SAHIB Bahadur.
The Hon'ble Rao Sahib M. C. MUTTAYYA CHETTIYAR Avargal.
The Hon'ble Rao Sahib T. NAMBERUMAL CHETTI Garu.
The Hon'ble Raja Sri KRISHNA CHANDRA GAJAPATI NARAYANA DEO Garu, Zamindar of Parlākimedi.
The Hon'ble Raja, SRI RAVU VENKATA KUMARA KRISHNA RANGA RAO Bahadur, of Bobbili.
The Hon'ble Mr. T. RICHMOND.
The Hon'ble Rao Bahadur N. SUBBA RAO Avargal.

OATH OF OFFICE.

The following Members took the prescribed oath or affirmation of allegiance to the Crown and then assumed their seats, the Secretary calling out the names one by one :—

The Hon'ble Khan Bahadur A. T. G. M. AHMAD TAMBI MARAKKAYAR SAHIB Bahadur.
The Hon'ble Mr. T. ARUMAINATHA PILLAI.
The Hon'ble Rao Bahadur T. BALAJI RAO NAYUDU Garu.
The Hon'ble the Raja of Bobbili.
The Hon'ble Mr. A. Y. G. CAMPBELL, C.I.E.
The Hon'ble Mr. M. CHINNATAMBI RAJA.
The Hon'ble Mr. S. COX.
The Hon'ble Mr. R. W. DAVIES.
The Hon'ble Diwan Bahadur T. DESIKA ACHARIYAR Avargal.
The Hon'ble Mr. M. D. DEVADOSS.
The Hon'ble Sir GORDON FRASER, *Kt.*
The Hon'ble Major-General G. G. GIFFARD, C.S.I.
The Hon'ble Khan Sahib HAJI ABD-UL-LAH HAJI QASIM SAHIB Bahadur.
The Hon'ble Mr. L. T. HARRIS.
The Hon'ble Mr. W. J. J. HOWLEY.
The Hon'ble Mr. R. LITTLEHAILES.
The Hon'ble Mr. E. S. LLOYD.
The Hon'ble the Rev. E. M. MACPHAIL.
The Hon'ble Mr. V. MADHAVA RAJA.
The Hon'ble Mr. N. E. MARJORIBANKS, C.I.E.
The Hon'ble Mr. H. H. G. MITCHELL, O.B.E.
The Hon'ble Khan Bahadur N. MUHAMMAD USMAN SAHIB Bahadur.
The Hon'ble Rao Sahib M. C. MUTTAYYA CHETTIYAR Avargal.
The Hon'ble Rao Sahib T. NAMBERUMAL CHETTI Garu.
The Hon'ble Mr. B. V. NARASIMHA AYYAR.
The Hon'ble Mr. C. V. S. NARASIMHA RAJU.
The Hon'ble the Zamindar of Parlākimedi.
The Hon'ble the Raja of Pithāpuram.
The Hon'ble Mr. T. R. RAMACHANDRA AYYAR.
The Hon'ble Rao Bahadur V. K. RAMANUJA ACHARIYAR Avargal.
The Hon'ble the Raja of Ramnad.
The Hon'ble Mr. J. A. RICHARDSON.
The Hon'ble Mr. T. RICHMOND.
The Hon'ble Rai Bahadur T. N. SIVAGNANAM PILLAI Avargal.
The Hon'ble Mr. P. SIVA RAO.
The Hon'ble Mr. S. SRINIVASA AYYANGAR (*Advocate-General*).
The Hon'ble Rao Bahadur N. SUBBA RAO Avargal.
The Hon'ble Mr. J. H. THONGER.
The Hon'ble Diwan Bahadur P. TYAGARAYA CHETTI Garu.
The Hon'ble Mr. B. VENKATAPATI RAJU.
The Hon'ble Mr. K. VENKATAPPAYYA PANTULU.
The Hon'ble Mr. W. VIJAYARAGHAVA MUDALIYAR.

ACTS ASSENTED TO BY HIS EXCELLENCY THE GOVERNOR-GENERAL.

His Excellency the PRESIDENT :—"I have the honour to announce that the Madras Agricultural Pests and Diseases Act, 1919, and the Madras City Municipal Act, 1919, received the assent of His Excellency the Governor-General on the 12th April 1919 and the 2nd June 1919, respectively."

COMMUNICATIONS TO THE COUNCIL.

The SECRETARY reported the receipt of the following communications to the Council :—

(a) Regarding the Bill to provide for the voluntary registration of Mussalman marriages and divorces.

(1) From Moulvi Saiyid Muhammad Baqir Sahib and others, Tenkāsi, dated the 31st March 1919.

(2) From the Secretary, United Moslem Association, Abiramam, dated the 3rd March 1919.

(3) From Sheikhuna Haji Ahmad Tevvai Alim Sahib, Chairman of the public meeting, Adirāmpatnam, dated the 31st January 1919.

(4) From Moulvi K. A. Mayinkutti Mathar, Calvetti, dated the 24th February 1919.

(5) From Mr. A. M. Marakkayar, Nagore, dated the 1st March 1919.

(6) From A. Muhammad Qasim Sahib, Nagore, dated the 9th March 1919.

(7) From the President, Young Men's Moslem Association, Nellore, dated the 11th April 1919.

(8) From Muhammad Saiyid Sahib, Mylapore, Madras, dated the 29th April 1919.

(b) Regarding the Bill to amend the Madras Village Courts Act, 1888.

(1) From Muhammad Bahavuddin Sahib Bahadur, retired Tahsildar, Walaja Road, Mount Road, Madras, dated the 20th May 1919.

(2) From the members of the informal village panchayat of Agraharam in Tiruppattūr taluk, North Arcot district, dated the 27th May 1919.

(3) From M.R.Ry. C. Chamundi Kavandan, Secretary to the informal village panchayat of Nattarampalli village, North Arcot district, dated the 19th May 1919.

(4) From the Secretary, Kothapeta Divisional Association, Palivela, Gōdāvari district, dated the 10th July 1919.

LOYALTY RESOLUTION.

The Hon'ble Mr. B. VENKATAPATI RAJU :—" Your Excellency, the proposition which I have the honour to place before this Council runs as follows :—

'This Council offers its loyal congratulations to His Majesty the King-Emperor on the victorious termination of the war and the successful conclusion of the treaty whereby the peace of the world is secured for a long time to come.'

" Your Excellency, we feel proud and happy to offer our humble congratulations to His Majesty, our beloved Emperor, for the victorious termination of the war and the successful conclusion of the treaty. His Majesty has modestly said that the great war was carried to a victorious end and secured an honourable peace. We are at liberty to add that the British Empire stopped the Napoleonic attempts in the 18th century to conquer the world and now in this century it has put an end once for all to the German futile attempts of world-domination. The British Empire was never so strong as it is now. The prowess of the British Empire inspires foes with fear and respect and friends with love and confidence. The whole empire with its immense resources rallied to the call of duty without caring for the outpouring of blood and treasure for the great and high purpose of the liberation of humanity. Germany which was once a powerful factor in settling the destinies of European nations now lies prostrate, an object lesson to one and all. The complete disillusionment of German strength to dominate the world brought about repentance to them, though too late, and they are hated everywhere, their strength gone, honour tarnished, country ruined, people discontented, as Nemesis always dogs the footsteps of inhuman and barbarous conduct. By the immense sacrifice of men and money of the allied nations, a new world was evolved out of the old, opening a new era of self-determined life to nations, races and communities India has taken a proud stand loyally as a limb of the empire and worked hard to help the empire in need. When thrones are tottering everywhere, our beloved Emperor's position is immensely strengthened by his unalterable love towards his subjects which was reciprocated by loyalty, devotion and reverence throughout the empire and more especially in India. Politicians here are nothing if not patriotic and loyal. We are hankful to the present Premier for his kind reference to India's remarkable contribution to the

war which in his own words had won her a new claim on their consideration, a claim so irresistible that it ought and must overpower all prejudice and timidity which might stand in the way of her progress. Your Excellency may be pleased to convey our unswerving loyalty and devotion to the throne and our humble congratulations to His Majesty and devotion to him. I appeal to the Council that they would accord a hearty reception to this proposal and carry it with acclamation."

The Hon'ble Mr. M. D. DEVADOSS:—"It is five years since the world was threatened with a moral deluge worse than the one in the days of Noah. The murder at Sarajevo was made a pretext for letting loose, upon a peaceful and unsuspecting world, unbridled ambition and unscrupulous militarism. The western nations of Europe were not prepared for war. War was not in their thoughts. It was thought of as a possibility and not as a near probability. Be it said to the eternal credit of British statesmanship, the ministers of the Crown saw the danger, a danger not to a few States only, but to the peace and liberty of the world, yea, to civilization itself; and, after exhausting all the resources of diplomacy in an unavailing attempt to avert the dire calamity, with a courage and faith unparalleled in history, on the 4th of August 1914, declared war with the greatest military power the world has known.

"Their aim was high and their object noble and their faith was great. They had hardly an army worth the name. They had not prepared for war. War with Germany in the near future was not even in their wildest dreams. Yet when the moment for action came, the responsible ministers of the King unflinchingly threw down the gauntlet in defence of smaller nations, in vindication of treaty obligations and in maintaining the cause of liberty and righteousness. The war was not merely a fight between nations, but it was a life and death struggle between two principles, between right and might. England entered upon the war not to gain territory or military glory, but solely to uphold all that was sacred and noble in Christian civilization against the inroads of barbarism and the ravages of scientifically organized brute force. The history of the war is writ large.

"In this Titanic struggle no one had a more anxious time and no one had a more aching heart than our beloved Sovereign who denied himself the ordinary luxuries of life to set an example to his subjects. Regardless of personal safety and comfort the King visited the battle fields of Europe in order to encourage and cheer up his faithful sailors, soldiers, and airmen, who were shedding their life and blood in defence of all that England stands for. History will bear testimony to the great and glorious part played by our Sovereign in this world-wide war. Like the patron Saint of England whose name he bears, our King has humbled in the dust rampant militarism, unscrupulous ambition and unbridled brute force. The dragon has been overcome and let us hope that the peace that has been ushered in will be a lasting one and that the time is not far off when the wolf shall dwell with the lamb and the leopard shall lie down with the kid and the calf and the young lion and the fatling together. Your Excellency, it is but fitting that this new Council which meets for the first time after the signing of the Peace Treaty should express its thankfulness at the termination of the war and send its felicitations to His Imperial Majesty King George V on the conclusion of a glorious and lasting peace. With these few words I beg to second the resolution which has been moved."

His Excellency the PRESIDENT:—"Honourable Members have heard the resolution proposed and seconded. I do not think it requires any words of mine to commend it to this Council. I am sure it will receive the unanimous acceptance of every Member of this Council. I will ask Honourable Members of Council to rise in their seats to show their sense of approval."

The resolution was carried, all the members standing.

THE LATE HON'BLE KHAN BAHADUR MUHAMMAD AZIZ-UD-DIN HUSAIN SAHIB BAHADUR.

The Hon'ble Mr. L. DAVIDSON:—"Your Excellency, since the last meeting of this Council death has struck down one of its most distinguished official members—the Hon'ble Khan Bahadur Muhammad Aziz-ud-din Husain Sahib Bahadur. The Government of Madras have already notified in the official gazette their appreciation of his devotion to duty throughout a career extending over 37 years and their sense of the great loss which the public service has sustained by his death. But they feel sure that this Council also would desire to place formally on record some expression of their sentiments and to send a message of sympathy to the family of Mr. Aziz-ud-din. With Your Excellency's permission, therefore, I propose to move a resolution in that sense. This painful privilege devolves upon me not merely as the senior official member of this Council, but also because I am, I think, perhaps the oldest friend of our late colleague. My memory does not go back to the initial stage of his distinguished official career, but it is nearly 27 years since I first met him and we served together as fellow-divisional officers in the district of North Arcot. One word more I should like to say. Mr. Aziz-ud-din Sahib was on the verge of retirement, but it was, I know, his intention and earnest desire to go on working for the advancement of the great community of which he was so prominent a member, and I

for one had looked forward to his return to this Council in an un-official capacity. That hope, alas, cannot now be realized. I have now, Sir, only to read the terms of the resolution which I have the honour to propose—

'That an expression of the sincere regret of this Council at the death of the Hon'ble Khan Bahadur Muhammad Aziz-ud-din Husain Sahib Bahadur, C.I.E., O.B.E., I.S.O., and of its deep sympathy with his family in their bereavement be placed on record and conveyed to them.'"

The Hon'ble Khan Bahadur A. T. G. M. AHMAD TAMBI MARAKKAYAR :—"Your Excellency, in seconding this resolution moved by the Hon'ble Mr. Davidson, I beg to say a few words. The sudden death of the late Hon'ble Mr. Aziz-ud-din is a great loss to my community, the Muhammadan community. As regards his honesty, ability and capability, it is needless for me to say anything more about it. It is a great pity he has not lived to enjoy the well-earned pension even for a single day and God has taken him, dying in his harness. With these few words, I beg to second the resolution moved by the Hon'ble Mr. Davidson."

His Excellency the PRESIDENT :—"Honourable Members have heard this resolution moved and seconded. Again I would ask Honourable Members to show their support by rising in their seats."

The members stood up and the resolution was declared carried unanimously.

THE LATE DR. T. M. NAYAR.

The Hon'ble Mr. B. V. NARASIMHA AYYAR :—"Your Excellency, I have a very painful duty to perform in moving this resolution—

'This Council resolves to place on record its regret at the death of the late Dr. T. M. Nayar, sometime member of this Council, and requests His Excellency the President to convey their heart-felt condolence to the members of the bereaved family.'

"There are hardly any persons in this Presidency, certainly none in this Council, who do not know the late Doctor Nayar. His numerous activities brought him into prominence very early in life. As an eminent doctor, his merit was universally acknowledged but perhaps that which brought him most into prominence, most to the attention of all persons in this Presidency and perhaps in this country, was the part he played in the field of controversial politics. This is certainly not the place nor this the time for one to enter upon any controversial topics. But I shall certainly be truthful when I say that even his bitter opponents admitted that brilliant ability and earnestness characterised the late doctor's efforts in all the work that he undertook and that the vast masses were roused to a sense of their rights and the need for general political activity as a result of the exertions of the late doctor. We, in this Council, are mainly concerned with his legislative activities. It was in 1913, as a result of the doctor's life-long connexion with municipal administration, the doctor entered this Council as a representative of the Madras Corporation and I had the privilege of sitting with him during the three years 1913—1916 ; and though we were not able to see eye to eye in many matters, I am free to confess that it was the general sense of non-official members of this Council that Doctor Nayar's activities contributed a great deal to the work done by this Council. Again some six months back, it was as an expert in municipal administration that he was nominated to this Council by Your Excellency's predecessor when the City Municipal Act Amendment Bill was under consideration. I think, therefore, we may well record the resolution that I have just now proposed. We all mourn his death and request Your Excellency the President, to convey our sympathy to the members of the bereaved family."

The Hon'ble Khan Bahadur N. MUHAMMAD USMAN :—"Your Excellency, I beg to second the resolution which the Honourable Member has proposed."

The Hon'ble Mr. L. DAVIDSON :—"Your Excellency, I rise on behalf of Your Excellency's Government to join in the expressions of regret and sympathy conveyed by the resolution which has just been proposed and seconded. No one who ever came into contact with the late Doctor Nayar could fail to recognize that he was emphatically a man of strong convictions, with a special gift for expressing his views in a direct, lucid and forcible fashion and the courage to express them without fear or favour. When to these characteristics were added a sincere devotion to his humane profession and an earnest interest in the problems of local self-government, sanitation and the conditions of factory labour, Doctor Nayar's capacity for public service was naturally great. As an elected member of the Corporation of Madras and of this Council, he repeatedly made his mark ; and, as the Hon'ble Mr. Narasimha Ayyar has reminded us, he was on more than one occasion selected for nomination to these bodies by the Government of Madras, not in the idea that he was likely to be a supporter of views favoured by Government but for the reason that he was an acknowledged expert in certain departments of public life and a man of earnest convictions. In this Council he will chiefly be remembered in connexion with his

association with the Medical Registration Bill, and the keen debates that recently took place on the City Municipal Bill. His death has deprived the Government of a very helpful and outspoken critic. The fact that he died many thousands of miles from his home and from the country whose welfare he had always at heart and to whose interests he was devoting the last moments of his life imparts an element of pathos and tragedy, which must appeal not only to us who knew him in this city and in this Council but also to the far wider circle of his friends and admirers."

His Excellency the PRESIDENT:—"I will once more ask Hon'ble Members to express their approval of the resolution by standing."

The resolution was carried unanimously, all the members standing.

HIS EXCELLENCY THE PRESIDENT'S OPENING REMARKS.

His Excellency the PRESIDENT:—"Before we turn to the more practical business of the Council to-day, I want just to say a few words. While warmly welcoming Honourable Members of this new Council to our discussions, I wish to express the profound and confident hope that I shall receive the loyal support of Honourable Members during the period of our discussion and deliberations in the coming months. There is one other matter on which I wish to say just a few words. That is with regard to the alteration in the constitution of our Council owing to the deliberate decision of the Government to reduce the number of nominated officials and to increase the number of nominated non-officials in order that we may secure in this Council a clear and definite non-official majority. Now we have made the change for two reasons. In the first place we were anxious as far as possible to secure representation for the various important communities in this province. But here let me add, from my personal observation in this Presidency during the short months I have been here, that I am bound to say that there are so many communities who seem to consider that they are sufficiently important to secure representation that if we are to satisfy the wishes and desires of all, we must enlarge very considerably our Legislative Council. The second reason for which we have done this is this: having regard to the details of the clauses and purposes of the Reforms Act which, we hope, is going to be passed in England before many months are over, we thought that it would be a desirable thing to secure a clear non-official majority in order that Honourable Members in this Council who are non-officials should have the responsibility by their votes on various matters that will arise from time to time to give their decisions on legislation and on resolutions. Now let me express to Honourable Members what has for a long time past been my view and my opinion on our respective responsibility and position—I refer to Honourable Members of Council and the Executive Government. Here we have no party Government. I dare say party Government may come in a certain number of years; but as President, I rejoice to feel that we have no party Government at present. We have no Government official opposition. I think it would be agreed that it is the duty of every Honourable Member to use his individual judgment and use his individual vote with regard to every question that may arise from time to time. The Government is administered by an Executive considered by some to be intensely bureaucratic, but of which every member—and this I can say from a personal and rather active experience, doing Government work during the last fortnight—is strenuously striving to the best of his ability to improve the moral and material condition of the Madras Presidency. We shall, before many months are over, be bringing forward important measures for your consideration. There are too, of course, important resolutions to come to decisions upon. I wish to impress as strongly as I can, upon Honourable Members that the responsibility for the passage of that legislation, the responsibility for the decisions on those resolutions will depend more than ever before on the non-official members of this Council. If the Executive Government can show Honourable Members that the Bills that they may introduce will further the progress of local self-government in this Presidency, or will add seriously to the material improvement of the condition of any large community in our Presidency, then I am quite certain that Honourable Members will approach the consideration of this question not in any spirit of factious opposition, but with a sincere desire through their criticisms and through their amendments to assist the Government to produce legislation which will really be for the benefit of the whole community. It is perfectly true that the Governor has the final veto over all the decisions of this Council. I can only say with regard to that, that I have had the experience for six years in the Bombay Presidency, of presiding over the Council in that Presidency, with a non-official majority and I am glad to add that owing to the extremely business-like action and common sense of Honourable Members of that Council, I never had any cause to exercise that veto. I am given to understand that since the Council was established in this Presidency, the veto has never been applied in Madras and therefore let me say that I am perfectly confident that Honourable Members will exercise their authority and responsibility in such a manner that it would never be necessary for your President to exercise the power of veto. In a word let me say that I sincerely hope that the wisdom of the action that we have taken may be amply proved by the result of their labours and that the deliberations of this Council will show in future months, really useful work done for the good of the Madras Presidency."

The Hon'ble Mr. B. V. NARASIMHA AYYAR:—"Before the next item is taken up, may I express on behalf of non-official members, our gratitude for the improvements made in the constitution of this Council as well as our sincere conviction that the future proceedings of this

Council will amply justify the hope expressed by Your Excellency. I believe that we will show by all that we are going to do in this Council that we are as fully inspired by a sense of responsibility as to what is transacted in this Council as any Member, official or non-official, can be expected to be. I wish therefore only to repeat the thanks of this Council for the confidence which we hope will be so fully justified that further advance and further improvements in the constitution of this Council will be made."

His Excellency the PRESIDENT :—"I would not make rash promises !"

MOTION FOR POSTPONEMENT OF ITEM No. 5 ON THE AGENDA.

Item No. 5 on the agenda was as follows :—

The Hon'ble Mr. S. Srinivasa Ayyangar will move that after rule 13 of the Rules for the conduct of business at meetings of the Legislative Council the following rule shall be inserted :—

"13-A. The business of the Council shall be conducted in English. Provided that the President may in his discretion permit any departure from this rule."

The Hon'ble Mr. B. V. NARASIMHA AYYAR :—"Your Excellency, I have got a motion to make. I have also notified it to the Legislative Secretary. I propose that the next item, i.e., item No. 5 may be adjourned under rule 4 of the rules for the conduct of business.

"Rule 4 provides for the adjournment of any particular item of business. It says,—

'A motion that any meeting or business be adjourned or postponed or that the Council pass to the business next in order in the statement of business may be moved at any time and without previous notice as a distinct question, but not so as to interrupt a speech. If the motion is carried, the meeting or business shall be adjourned or postponed accordingly or if the motion carried be that the Council pass to the business next in order in the statement of business, the business then under discussion shall be considered to be disposed of.'

"I shall mention, if Your Excellency permits me, why I am moving this adjournment. Several of us, perhaps, most of us, had no idea that rule 13-A was to be proposed for amendment at this meeting by the Hon'ble the Advocate-General. We learnt about it only two or three days back. The Legislative Secretary may not have been able to give earlier information. I am not just now going into the question as to the validity of the notice but what I wish to point out is, that this was rather unexpected, more especially in view of the fact that the earliest notice which the newly elected members got of any meeting was a notice in which it was stated that only non-contentious legislative business would be transacted at this meeting. I take it that every item of business done here in this Legislative Council is legislative business. It is not for me to split hairs on that point as to what legislative business is. But I take it that contentious matter was not expected at this meeting. As a result of our having come unprepared for contentious matter, I make this motion, and I may also state the difficulty that has arisen. It is usual for the non-official members of this Council or at least a large number of them to meet one or two days before the actual day of the Council sitting, exchange views and see how far the various shades of opinion can be brought together. As to the particular item, on this particular matter, i.e., the language in which the proceedings of the Council shall be conducted, we find there were various shades of opinion and there has not been enough time to provide for a reasonable compromise. It is quite likely that, if there is sufficient time at the disposal of non-official members, they may easily agree to some form of a rule if a rule were necessary at all. In the first place, I may explain that the adjournment of this item of business is not likely to be attended with any difficulty. I have been reminded by several non-official members that I was responsible for the necessity of the new rule, because I raised the question as to the probability of a constituency sending a representative here who may be ignorant of English and who may be therefore expected to address this Council in the vernacular. In my own case, I am happily free from ignorance of that language. I am somewhat acquainted with that language. For want of a rule like this, no one is likely to come in with a vernacular speech. In case Your Excellency decides not to introduce this rule till the next meeting or till the next sitting, I may assure Your Excellency that we are not likely to hear any vernacular speech even if we want to. The other object I had in view was to raise the question as to what provision is going to be made for any constituency which elects a non-English-knowing gentleman. As to that, this rule is hardly a solution. On the other hand, it rather throws obstacles in the way of a correct solution. Several of us have attempted and we have suggested various amendments but we are not agreed as to which compromise will suit. So I wish to convey to Your Excellency the general sense that it is much better that this matter which is rather contentious at present may be postponed so that we may ascertain later on whether any rule is necessary and if it is necessary, whether any rule which would meet the situation cannot be hit upon. I believe therefore that my motion may be accepted."

His Excellency the PRESIDENT :—"Will the Honourable Member send up his motion ?"

The Hon'ble Mr. B. V. Narasimha Ayyar sent up the motion.

His Excellency the PRESIDENT :—"The motion is that item No. 5 on the agenda be postponed. I would like just to say a few words. As regards the remarks of my Honourable Friend, I must own to a feeling of considerable surprise that the Honourable Member should have decided to raise this particular question owing to the fact that I was not present at the

time; I believe it was due entirely to an action of his own which made the Government feel it absolutely necessary to take steps in order to prevent disorganization in this Council to a very considerable degree. My Honourable Friend will realize the anxiety of the mind of a new President, who hears that Honourable Members of Council—only on one occasion I am glad to say—have risen and delivered themselves in the dialect of which, he must admit, the President has entirely no knowledge. The difficulty of keeping order under those circumstances he must surely be aware of, with the number of dialects spoken in this Presidency. Therefore, when I, as President, was informed of this particular matter, I, as President, took this into very serious consideration and we felt and I am bound to say we feel that it is probably the general sense of this Council that such an amendment as the one proposed is necessary, in order to prevent the recurrence of the action that took place the other day. However, as far as Government are concerned, I wish to say to this Council that we do not propose to vote on this particular question. I would merely make these further remarks. I may say on behalf of my colleagues and myself that if this particular matter is postponed for six months, I do not know whether the object of my Honourable Friend in getting it postponed is to secure opposition to the particular amendment of the Hon'ble the Advocate-General; but if this matter is postponed for six months, the determination of Government is to bring forward exactly the same amendment of the rules, because we think that it is most undesirable to permit in this Council, such a state of things as, I understand, occurred one or two sessions ago. There is one more point that I should like to make and I say it with all seriousness. I believe that in Madras more than in any other Presidency in this country, it is possible and easy to secure Honourable Members to support this amendment owing to the great knowledge of English throughout the Presidency. Therefore that is a further reason that there is need for the amendment which the Government propose to move through the Hon'ble the Advocate-General. However, we wish to leave the decision on this particular motion of adjournment to the Council. I would only add once more to emphasize what I have already said that, if this matter comes up two or three months hence, the position of Government will be exactly what it is to-day."

The Hon'ble Mr. B. V. NARASIMHA AYYAR :—"May I know if I have asked for six months in the amendment?"

His Excellency the PRESIDENT :—"No. The Honourable Member suggested postponement. I said six months. It may be the next meeting of the Council and it may take place two, three or six months hence. That will give time for the Honourable Member to organize an opposition."

The Hon'ble Mr. B. V. NARASIMHA AYYAR :—"We are anxious to promote a compromise and not an opposition."

The Hon'ble Mr. K. VENKATAPPAYYA :—"Your Excellency, I beg to second the motion made by my Honourable Friend. In so doing, I submit that the question raises some issue of constitutional importance. Though apparently it relates to procedure, it prescribes, as it were, certain qualifications for any person who seeks admission into this Council. Besides, I have also to state that there was an understanding that only non-contentious business would be transacted in this Council."

His Excellency the PRESIDENT :—"I should just like to interrupt my Honourable Friend. It is 'non-controversial legislative business.'"

The Hon'ble Mr. B. V. NARASIMHA AYYAR :—"But these rules will have the force of law."

His Excellency the PRESIDENT :—"I should not call this legislative business."

The Hon'ble Mr. K. VENKATAPPAYYA :—"However, we have been under the impression that only non-contentious measures will be discussed. There is nothing lost at any rate by postponing this subject to a subsequent meeting of this Council. We do not propose to organize an opposition; it is not to organize an opposition that this adjournment is asked for, but for effecting a compromise. It is with a bona fide object of securing some concensus of opinion that this motion is put forward. I second it."

The Hon'ble Mr. T. R. RAMACHANDRA AYYAR :—"With Your Excellency's permission, I wish to point out that the rule has the effect of depriving a member of the right of speech if he does not know English. It is only in the exercise of the right of discretion of Your Excellency, if Your Excellency permits him, that he can speak. The right to speech is inherent in every member. The electors are eligible for election; and 75 per cent of them do not know English. It may be that a person unacquainted with English may be chosen and in his case, he should have the right of speech and it should not be left to the discretion of the President whether he should be allowed to speak or not. Except for that, that every member should speak in English is a salutory reform. In the case of other persons who do not know English, the right of speech being inherent in every member, he should not be deprived of that right while all other members have that right. In his case, it is a concession which he gets while all other members have it as a matter of right. I do not know if such a rule will not be ultra vires under those circumstances."

The Hon'ble Mr. T. RICHMOND :—"Your Excellency, I rise to oppose this motion for adjournment. In such a simple matter as this, whether the proceedings should be conducted in English or in a babel of tongues, the non-official members ought to be able to form an opinion without much deliberation. All that the Honourable Member wishes, apparently is to have a private conference before coming here. Such a thing might be defensible when the matter is of a serious contentious nature. But this matter is such a simple one—whether the proceedings should be conducted in English or whether the members should have the liberty of addressing the Council in the various dialects and the various languages of this Presidency. There is a very large number of non-official members present here who, I think, could vote easily according to their conviction in the matter. I do not think any useful purpose will be served by an adjournment of this subject."

The Hon'ble Mr. P. SIVA RAO :—"Your Excellency, I have the misfortune to differ from my Honourable Friend Mr. Richmond. The amendment looks very simple on paper, but it is not so. My Lord, it affects, as has been well pointed out by the Hon'ble Mr. Ramachandra Ayyar, one of the constitutional rights of a candidate who has been returned to this Legislative Council. It goes to the root of the matter. For the present, there is no qualification prescribed for a candidate to the Legislative Council that he must be literate, and this rule will, if passed, prescribe a qualification that he must be literate in English. It is left to the discretion of the President, according to this rule, to allow him to speak in any other language than English. That will encourage the unfortunate impression that it is only those who are acquainted with English that can stand as candidates for election to the Council. The object of the Government had been to broaden the franchise and to give encouragement to all kinds of interests to be represented, all communities to be represented in the Legislative Council. It may so happen that there might be a member who is not literate in English, who is not competent to express himself in English. Is he to be told that because he is not acquainted with that language, he is not a desirable candidate for this Council? There is nothing lost by postponing this amendment. As we say, we shall come to some agreement. I need not assure Your Excellency any more of the bona fides of our object in asking for this adjournment. We will frame some workable rule. No practical difficulty has arisen so far except once. It is only once that my learned friend tried to speak in Tamil and the difficulty arose. After all, it is a question of convenience as to what medium, what language shall be adopted for the purpose. Let there not be any hard-and-fast rule, but perhaps I am digressing into the merits of this question. Anyhow, it is highly desirable that some time is granted for us to suggest a workable and practicable rule."

His Excellency the PRESIDENT :—"May I ask Honourable Members who are in favour of postponement whether it will achieve any practical object?"

The Hon'ble Mr. B. V. NARASIMHA AYYAR :—"Yes."

His Excellency the PRESIDENT :—"I think not. I have discovered from the remarks of Honourable Members—I hope they will tell me if I am wrong—that they wish that there should be no bar as regards the language to be used by any member."

The Hon'ble Mr. B. V. NARASIMHA AYYAR :—"No. I can explain."

His Excellency the PRESIDENT :—"What is the position?"

The Hon'ble Mr. B. V. NARASIMHA AYYAR :—"I may point out this: supposing this motion is not taken up to-day, it is not the object of any member to speak in Telugu or Tamil. If it is taken up at the next meeting, our idea is this: we had a conference and some discussion yesterday amongst non-official members and the general sense was that ordinarily the speeches would be in English, but we were thinking what the effect would be in the unfortunate case of a vacancy happening, where a person should be returned who is ignorant of English. The proposed amendment will practically be a direction to the constituency which has a vacancy not to send any person who is ignorant of English. That, we thought, was not the proper thing for this Council to adopt. It is no part of our duty to direct our constituencies. Only one thing more: Our idea is that there should be ordinarily no speech except in English. But if any person has the misfortune of not knowing English, then it should not depend solely upon the volition of Your Excellency or any Vice-President who may fill the office of President as to the language in which he should be allowed to speak. Suppose he wishes to speak four or five times. He might think that he would have to depend upon the mercy of the President—and he might feel it—to ask for this favour each time. That is not a state of things to be envied. The idea in the minds of most non-official members who met yesterday to discuss this matter was that, if possible, we might arrive at some modus vivendi like this: English shall be ordinarily the language used provided that a person ignorant of English may be allowed to address the Council in the vernacular and it was also thought that, if such a thing should be carried, the main difficulty would be the difficulty of translation and the Government would have to provide translators. It was not the object to straightaway indulge in orations in languages unknown to Your Excellency. I assure Your Excellency that we are fully alive to the difficulties of carrying on discussions in different languages. I realize it quite well. But my

address in Tamil was made with the object of raising the legal position and getting a solution if possible. Now far from getting a solution, the absence of a solution will be the result of this rule. This rule will be a hardship. Therefore we want some time in order to enable the Government to arrive at a satisfactory decision. This is the object."

His Excellency the PRESIDENT :—"I do not wish to continue the discussion. I am very much afraid, I am not of so legal or meticulous a mind as to discover any possibility of a compromise between the two situations. If one carries out my Honourable Friend's suggestion to its logical conclusion, it is this: 'We think that it would be hard that there should be an amendment to the rule. Such a thing will militate against any individual coming to the Council who cannot talk English. The logical consequence of that point is that every gentleman who talks in a language which is not English should be allowed to talk that language.' He cannot get away from that position. I am afraid, from the Government point of view, it will be quite impossible, while I am the President, that we should have a discussion, gentlemen speaking in Tamil, Telugu, Kanarese and other languages well-known in the Madras Presidency. Our discussion will become rather a babel of tongues and render the President's position intolerable."

The Hon'ble Mr. B. V. NARASIMHA AYYAR :—"Does Your Excellency oppose that proviso or wish that it should be taken away?"

The Hon'ble the RAJA OF RAMNAD :—"May I know if the Hon'ble the Advocate-General will not agree to a slight amendment by which Your Excellency may be required to grant permission in the case of a member desiring to talk in other languages, who is not able to speak in English?"

His Excellency the PRESIDENT :—"The business before the Council is that item No. 5 be postponed. We must decide that point."

The Hon'ble Mr. B. V. NARASIMHA AYYAR :—"He is suggesting a compromise if the Hon'ble the Advocate-General will agree to that."

His Excellency the PRESIDENT :—"The motion for adjournment has been seconded."

The Hon'ble Mr. K. VENKATAPPAYYA :—"If the amendment is accepted by the Hon'ble the Advocate-General, we need not take up this motion."

His Excellency the PRESIDENT :—"The Honourable Member's motion for adjournment must have precedence."

The Hon'ble Diwan Bahadur P. TYAGARAYA CHETTI :—"Your Excellency, I am afraid there is no use of putting off the subject for another meeting. The subject is so simple that I think every one here understands what it means. We all know that it is impossible at a meeting of the Council to have any other language than English. What is the use of saying that there might be one who does not know English and who should be allowed to speak in Tamil and that there must be translators? I think we should look at the practical side of things. There is no use raising some legal points to get rulings on them. I think we must do practical business as practical men. There is no need to have an adjournment. The matter is very simple and there is no necessity for putting off this item."

The Hon'ble Mr. T. ARUMAINATHA PILLAI :—"Your Excellency, I beg to oppose the motion for adjournment now before the Council. There is no necessity for it. The fears that are now raised in the minds of the Honourable Mover and the seconder and the supporter seem to be that in future if any person who does not know English comes to this Council, it would not be possible for that man to talk in a language other than his own. So far as that fear is concerned, I submit Your Excellency, that ample provision has been made in giving the discretion to Your Excellency to allow a man to speak in any language, if Your Excellency thinks fit. Under that circumstance, so far as the Hon'ble Mr. Narasimha Ayyar is concerned, by asking this proposition to be put off to some other meeting, I do not think that any purpose will be served. No *modus vivendi* can be secured. I protest against the statement that if this rule is passed, it would be striking at the root of some constitutional right. So far as that constitutional right is concerned, I do not see why it is that the Hon'ble Mr. Ramachandra Ayyar says that you are going to strike at the root of the constitutional right of speech. I do not think so. So far as this rule is concerned, it gives you a right of speech. If you cannot speak in English, you have only to apply to His Excellency the President and he will allow you to speak in any language you like. I wish to oppose the proposition moved by the Hon'ble Mr. Narasimha Ayyar."

His Excellency the PRESIDENT :—"Will those who are in favour of it say 'Aye'?"

The Hon'ble Mr. B. V. NARASIMHA AYYAR :—"Honourable Members are accustomed to show hands."

The motion was put and lost.

The Hon'ble Mr. B. V. Narasimha Ayyar demanded a poll which was taken with the following result:—

For	*Against*
The Hon'ble Rao Bahadur V. K. Ramanuja Achariyar Avargal.	The Hon'ble Diwan Bahadur T. Desika Achariyar Avargal.
„ Mr. K. Venkatappayya Pantulu.	„ Mr. T. Arumainatha Pillai.
„ Mr. P. Siva Rao.	„ Mr. M. C. Raja.
„ Mr. B. Venkatapati Raju.	„ Mr. T. Richmond.
„ Mr. C. V. S. Narasimha Raju.	„ Mr. M. D. Devadoss.
„ Mr. T. R. Ramachandra Ayyar.	„ Rao Sahib M. C. Muttayya Chettiyar Avargal.
„ Mr. B. V. Narasimha Ayyar.	„ Rao Sahib T. Numberumal Chetti Garu.
	„ the Raja of Bobbili.
	„ the Rev. E. M. Macphail.
	„ the Zamindar of Parlākimedi.
	„ the Raja of Pithāpuram.
	„ the Raja of Ramnad.
	„ Mr. V. Madhava Raja.
	„ Rao Bahadur T. Balaji Rao Nayudu Garu.
	„ Diwan Bahadur P. Tyagaraya Chetti Garu.
	„ Khan Sahib Haji Abdulla Haji Qasim Sahib Bahadur.
	„ Khan Bahadur A. T. G. M. Ahmad Tambi Marakkayar Sahib Bahadur.
	„ Khan Bahadur N. Muhammad Usman Sahib Bahadur.
	„ Rao Bahadur N. Subba Rao Avargal.
	„ Mr. J. A. Richardson.
	„ Sir Gordon Fraser, *Kt.*
	„ Mr. J. H. Thonger.
	„ Mr. H. H. G. Mitchell.
	„ Rai Bahadur T. N. Sivagnanam Pillai Avargal.

The motion was lost, 7 voting *for* and 24 *against* it.

RULES FOR THE CONDUCT OF BUSINESS AT MEETINGS OF THE COUNCIL.

The Hon'ble Mr. S. SRINIVASA AYYANGAR :—" I beg to move the insertion of the following rule as rule 13-A in our rules for the conduct of business at meetings of the Council :—

'13-A. The business of the Council shall be conducted in English. Provided that the President may in his discretion permit any departure from this rule.'

" Your Excellency, the motion does not mean any departure from the existing practice. It only seeks to give legal recognition to what has been the invariable usage till now of this Council. It works no hardship to any member of this Council. As the Hon'ble Mr. Narasimha Ayyar admitted, everyone in this Council can express himself readily in English. The rule is not sought to be put into the book in the interests of any particular section of the Legislative Council, but it is in the interests of the entire Council that the rule is proposed. The obvious reason for the rule is that it is most convenient. It is impossible for any member to express himself in Tamil and expect to be understood by any appreciable section of this Council. Even in regard to Tamil, I do not know if the Hon'ble the Raja of Ramnad expressed himself in Tamil of the Sangam type, whether other Honourable Members will understand him. I do not know if Honourable Members representing the Telugu districts will be able to understand one who speaks Tamil. There is Malayalam and there is Kanarese and possibly some member will seek to express himself in Hindustani or Urdu or Persian. I myself, if I am permitted, would like to express myself in the sonorous Sanskrit which was in vogue in the assembly of Elders at Pataliputra or in the homelier Prakrit which was spoken in King Agnimitra's court. Presumably every member is here to express his opinion, to give information, to persuade, to criticise views put forward or to make suggestions. All these things require that he should be fully understood by every member of this Council. Therefore, there can be no particular object in trying to show our love of the vernacular in which I yield to none. I

do not see any necessity at all to give effect to this desire to be allowed to speak in vernacular. I think the Hon'ble Mr. Narasimha Ayyar has said and nobody disputes that ordinarily the business of the Council should be conducted in English. It is hardly necessary for me therefore to elaborate that point. It will be the unanimous opinion of the Council that the business of the Council should be conducted in English, because that is the only language in which everybody can express himself if he is to be understood by the Council; and it is impossible to expect any other language to take its place in the near future. We have been referring only to speeches. What about Bills, motions, resolutions, notices of amendments? If one is to choose one's own language, you will have a Telugu Bill, a Tamil Bill, a Malayalam Bill and a Kanarese Bill and you will have to make motions and amendments and resolutions in these languages. How is it possible really to do any business? It may be magnificent to express our love for the vernacular in the way the Hon'ble Mr. Narasimha Ayyar approves but I venture to think that it is hardly business.

"The only other point which has been raised was in connexion with the motion for adjournment and that is with respect to the proviso, that it does not safeguard the rights of any one who wishes to speak and that it will prevent a man ignorant of English being returned to the Council. Honourable Members are aware that the regulations provide for elections and they do not provide that persons ignorant of English cannot be returned. Therefore, this rule will not prevent any one from being elected. In the improbable event of such a person being returned, it is extremely improbable that that gentleman will desire to address the Council in his own language. It is very much more likely that he will take a more practical view of things and confine himself merely to voting. The second objection against the proviso is that it gives the discretion to the President but confers no right. A person who is ignorant of English is not prevented from learning English. He must learn the language of the Council. Is it to be understood that because a deaf and dumb person is not disqualified from being elected to the Legislative Council—is it to be imagined that the electorate will return such a person, or that such a person must exercise his inherent right of speech? This is a rule for the business of the Council. This is not a rule which either in form or in substance disqualifies a candidate for the Legislative Council. A candidate who is ignorant of English can learn English after his return. Therefore, I do not think there is really any serious legal difficulty. After all, the question of language is a question of order and it is for the President to regulate it. And the proviso will meet all hard cases fully, as the President will allow a person ignorant of English to speak in his own language. In order to prevent the misunderstanding due to the attempt of the Hon'ble Mr. Narasimha Ayyar at the last meeting, this amendment of the rule has been brought forward. I do not think that there can be any serious difficulty in accepting it. I therefore beg to move this rule and I hope the Council will pass it unanimously."

The Hon'ble Diwan Bahadur T. DESIKA ACHARIYAR:—"Your Excellency, this is a rule for the conduct of business at the meetings of this Council. I do not believe that any constitutional right is going to be affected by passing this rule as it is a rule for the conduct of business. I do not think that there is anybody in this Council who does not think that it is the most convenient one for the speedy despatch of business, having regard to the fact that all of us here could address this Council in the English language; and therefore it is a rule which may be passed without any further discussion. I therefore beg to second this resolution."

The Hon'ble Khan Bahadur A. T. G. M. Ahmad Tambi Marakkayar supported the motion.

The Hon'ble Rao Bahadur V. K. RAMANUJA ACHARIYAR:—"Your Excellency, the Hon'ble the Advocate-General thinks that a man can learn English after entering the Legislative Council. He does not know that it takes eleven years for a person to pass the school-final examination."

The Hon'ble Mr. B. V. NARASIMHA AYYAR:—"I have sent notice of an amendment. May I move my amendment? I believe that by reason of the very great difficulty of psychologically separating the motion for adjournment from the amendment, some of the members have talked over my amendment in speaking on the motion for adjournment. I have to move my amendment, which is that '**before the word "provided" the following words be added: "Provided that any member ignorant of English may address in the vernacular," and the word "other" be added before the word "departure."**'"

His Excellency the PRESIDENT:—"I will read the amendment: 'Provided that any member ignorant of English may address in vernacular.'"

The Hon'ble Mr. B. V. NARASIMHA AYYAR:—"Therefore, as amended, the Council will notice that it would contain the main rule that the business of the Council shall be conducted in English and, in place of a single proviso, it will be an amplified proviso.

"The object of my amendment may be made clear in a few words. But before I do so, I wish once again, in order to avoid the misapprehension, which seems to be lingering in the minds of some, as for instance in the mind of the Hon'ble the Advocate-General, to state this: I think it is quite wrong and uncharitable to suppose that I started a discussion on the subject with a view to the better edification of all the members of this Council. I know full well that Tamil is understood by only about 50 per cent and any other language would have no chance. For purely business purposes, no other language than English is proper. English must be the language one must employ in order to be understood, but the contingency which is sought to be provided for in this rule I wish to provide for, in what seems to me a better manner. I would therefore just analyse it in order to examine how my amendment stands. Let me amplify it. The honourable proposer said that Tamil is not universally known and that, as Your Excellency said, we will have a babel of languages, that it is in the common interest of all to talk in one language and I may even add the further argument that to strengthen and develop the national element, you must improve the chances of one language being used. All that is admitted, but if you should carry that to its logical conclusion, I would point out to Honourable Members, they should remove the proviso. The very existence of the proviso reminds us that we are not in a world of theories but that we are in a world of facts. I will say that you have given an excellent reason that English shall, wherever possible, be the language; but we must provide for the other contingency where it is not possible for the Honourable Member to talk in English. When the Hon'ble the Advocate-General proposed, when the honourable the seconder seconded the amendment, they were aware that there was a clause which took away a great portion of the force of the argument put forward both by the mover and by the seconder. The proviso shows that there are cases in which you will have to permit other languages to be used according to the discretion of the President. They say: what becomes of the position if people are to speak in Tamil, in Telugu and in Kanarese, and they say there is a babel. But you permit that babel if you have the proviso there. Therefore, you are blowing both hot and cold. This is not a question of sentiment. The ordinary rule must be that English must be adopted as the language, but the rule recognizes that there are circumstances where it is not possible. The point in issue is not whether English should be the language or whether there should be orations in different languages. I for one am distinctly against diversity of languages where it is possible to avoid it; but when a vernacular is permitted as a result of this proviso, should it be permitted merely as a result of the particular discretion of the particular President or should it be regulated by some principle? Is it possible for us in this Council to agree to some principle or to some state of facts as warranting the exercise of discretion of the President? I was rather sorry to notice Your Excellency's remark that you would not tolerate it. In that case—I hope I am drawing a wrong inference—Your Excellency will never allow the rule to be departed from."

His Excellency the PRESIDENT:—"You have drawn a wrong inference."

The Hon'ble Mr. B. V. NARASIMHA AYYAR:—"I am glad to hear that. If His Excellency should be absent and if there is to be a Vice-President in the chair, if he chooses to exercise his discretion, there will be vernacular speeches."

His Excellency the PRESIDENT:—"That is the motion of my Honourable Friend the Advocate-General and that is the portion to which the Hon'ble Mr. Narasimha Ayyar has raised objection."

The Hon'ble Mr. B. V. NARASIMHA AYYAR:—"Therefore it is quite clear that it always contemplates that the rule is that English shall be the language and under certain contingencies, vernaculars may be employed, though the President is not conversant with the various vernaculars and may not be able to apply the rules. I realize that there are lots of difficulties. When other languages are employed, how is the President to stop an Honourable Member when he is irrelevant if he is to speak in a language which is not understood by the President. I know these considerations arise, but still the reason why I wish that this proviso should be made clearer and more definite is this: we are dealing with a matter which has not arisen and which might arise in one of several ways. When we are enacting a rule, we must not be guided by merely the existing state of things. We must contemplate a contingency when this might become necessary by reason of circumstances which have been found to exist in other provinces; for instance, in Burma a number of Burmese members address the Council in Burmese though there are several English gentlemen and Europeans and probably some Tamil gentlemen in the Burmese Council. In spite of that difficulty, they get on. Similarly in the Government of India, they have a provision for making speeches in the vernacular. And translations are made. I admit that it is a cumbrous procedure and that unfortunately time is taken up in that case much more than we need spend if we are all to speak in English. But the difficulty is because the right of the constituency to have its views placed before the Council is a sacred right and that right should not be lightly treated. On the last occasion, there was a competitor in my group totally ignorant of English. If he was elected, the question would have arisen as to the applicability of the rule. Are we to leave everything to the President? Will you permit a member to address the Council in vernacular? Is he to apply to the President for permission

every time he rises? Is it proper for us to place the constituency and the representative in that predicament? As for the necessity of the rule, I fully concede the necessity for making the rule that the discussion must be in English. I say this, so that subsequent speakers need not meet any fancied objection to the substance of the rule that English shall be the main language. We are providing for an exception. Is that exception to be whenever the President chooses to exercise his discretion or is it to be as I say, on a clear principle? What I say is when it is possible to get a clear rule why should we give the discretion to the President? If the President were asked to allow a representative to speak in any vernacular, it is said, he will probably say 'yes.' But I am only asking: if that is so, why not say so?"

His Excellency the PRESIDENT:—"The Honourable Member must not put suggestions into my mouth."

The Hon'ble Mr. B. V. NARASIMHA AYYAR:—"I am not suggesting as a hypnotist does. But certain suggestions are necessary to see how Your Excellency or any one in Your Excellency's position would act. The President would be very ill-advised to rule out the right of the member to talk simply because he happens to be ignorant of English. If that is accepted as a principle, as I believe it will be accepted by all gentlemen here, then in that case I have suggested an alteration. That is, 'provided that in the case of any person ignorant of English, he may talk in his vernacular and in any other case, the President may allow any other departure.' I do not know what babel we are sanctioning immediately. In these circumstances I put forward the amendment."

The Hon'ble Mr. T. R. RAMACHANDRA AYYAR:—"Your Excellency, I second the amendment. In doing so, I wish to point out what I consider to be the unreasonableness of the rule. Suppose with regard to all members of Council there were a rule that they should address the Council only with the previous sanction of the President even though they know English, that would be certainly depriving them of a right which they possess under the Statute. Now take the case of a person chosen by a constituency as a Member who could be returned, and who ignorant of English. Under the rules ignorance of English is not a disability, and as I pointed out already, nearly 75 per cent of the electors do not know English, but they are thoroughly acquainted with the affairs of the country. There are vernacular papers which acquaint them with everything that is going on. What is going on here to-day becomes known to them to-morrow. It is not their ignorance of the state of affairs but their ignorance of the language, that stands in their way. The time may come when a large majority may know English—it is very desirable that it should be so—but we are dealing with the state of affairs at present. If such a member could be returned, I ask why should he not have the privilege which every other member has? He will be a degraded being in the eyes of the public if he, of all the members, should be dumb. We hear of the dumb millions of India, but if this rule is passed, we shall certainly have a dumb member. A person who is born in the country, who knows the affairs of the country, who is returned by the electorate, by a large majority of the constituency—why should he be deprived of his right? It may be said that the President would exercise the discretion reasonably, properly and justly. But why should the rule be different between the case of those who know the vernacular and those who know English. It will be very much resented by the electorate and by the large number of people whom we are supposed to represent here. The Council is sitting here as a representative assembly representing the interests of the country, and the country has a right to say that such and such a person shall be representative. But why should a person sit here as a mummy? He has a right to represent his country, he knows his country well and much more satisfactorily than other members; and being himself a ryot, he may be able to put the case before Your Excellency better than others. He knows their grievances better than others and why should we prevent men with intimate knowledge of the affairs of the country from putting their case before the Council? The Hon'ble the Advocate-General said that the rule did not prohibit the election of members who were deaf and dumb, and he asked 'why not have deaf and dumb persons'? I certainly think it is a reflection on the electorate. The electors are intelligent persons, they are reasonable men, respectable men and they are not going to choose men who will not speak. We may as well say that a man on his death-bed may be chosen. They are not likely to do that. The electorate is composed of persons who are intelligent and who know their own force. My submission, therefore, is that they should have the right to speak as every other member has and it should not be left to the discretion of the President to say whether they should speak or not. What is to be done if a man who is chosen by the electorate wishes to address the Council in the only language that he knows? Why should there be a concession to him when every other member who knows English addresses the Council as a matter of right? Why should one man alone be deprived of his birth-right? It is the birth-right of every member of the Council to address the Council in the language he knows best. It is no fault of his that he does not know any other language.

"Speaking of the landholders whose representative I am, most of them are educated people, but I believe many of them do not know English. But with regard to landed interests, their opinions are far more valuable than the opinions of persons who may know English but

who do not own lands at all. It is only one who owns land that can be returned. If he does not know English, if you deprive him of the right to speak in the language that he knows, it will not be right."

The Hon'ble Mr. T. RICHMOND :—"Your Excellency, I beg to oppose the amendment. The Honourable Seconder while seconding the amendment has attacked the rule itself. Speaking from my experience of nine years in this Council, I may say, I have not come across a single member who has had any difficulty in expressing himself in the King's English. I have not come across any member who did not know English. There was only one occasion when the Hon'ble Mr. Narasimha Ayyar wanted to create a diversion by trying to address this Council in a vernacular. No practical difficulty has arisen so far. My Honourable Friend wants this amendment more for a technical victory than for anything else. I should have gladly supported him if there is really anything substantial in the amendment proposed by him. Seeing that there is really nothing behind it, at present, we need only consider the question, when people ignorant of the English language really come here. So far we have had no such instance and I think it is premature to consider the question. When we have such members, it will be time enough to think of a new rule. Having regard to the present constitution of this Council, I think there is no need for this amendment."

The Hon'ble Mr. C. V. S. NARASIMHA RAJU :—"Your Excellency, the discussion on this amendment is merely academical but, however, it has got its own importance. As far as the proviso moved by the Advocate-General is concerned, it gives a discretion to the President to allow speeches in vernacular. In the past, I might remind the Hon'ble Mr. Richmond who has had nine years of experience that there were two occasions in this Council when this was allowed. Once Mr. Kesava Pillai read *in extenso* a Tamil letter written by one of the members of his constituency and it was much appreciated by the Tamil-knowing members of this Council. That was in the year 1913 or 1914. We may find it in the report."

The Hon'ble Mr. T. RICHMOND :—"It was not a speech."

The Hon'ble Mr. C. V. S. NARASIMHA RAJU :—"It is a letter. It was a case in which the then President allowed the reading of the letter *in extenso.* The other occasion was already referred to, namely the occasion when the Hon'ble Mr. Narasimha Ayyar thought that he could better express his feeling in vernacular than in English. Now in order to cover both the cases, the proviso so far as the Advocate-General has provided in the motion is sufficient, but there is the other clear case where, a non-English-knowing member being returned by a constituency, shall be entitled as a matter of right without leaving it to the discretion of the President to speak in his own vernacular. I think it is a reasonable proviso. So far as I am concerned, I wish that the proceedings of this Council should be conducted in the vernaculars entirely. But as the territorial limits of the Presidency comprise various vernacular-speaking areas, as a practical man, I do not oppose the first portion of the amendment of the Hon'ble the Advocate-General but I request this Council to accept the amendment of the proviso as proposed by the Hon'ble Mr. Narasimha Ayyar."

The Hon'ble Mr. P. SIVA RAO :—"Your Excellency, I heartily support the amendment of the Hon'ble Mr. Narasimha Ayyar. My reasons are very simple. Under the present constitution, there is no disqualification for a candidate who is not versed in English being returned to the Council; in other words, a non-English-knowing candidate is not disqualified from sitting in this House. That is very plain. If that is so, is it not the undoubted right of such a member, a non-English-knowing member who is returned to this Council, to speak in this hall? Now this rule is not simply a business rule as the Hon'ble Mr. Desika Achariyar put it, but it goes to the root of the constitution. It imposes a language bar. It introduces a language bar for the first time in the Legislative Council. There are absolutely no practical difficulties, my Lord, but we wish to take into account the spread of English in this Presidency. What is the percentage of the English-knowing people as compared with that of non-English-knowing people? Should we tell the electorate to confine their choice to English-knowing people? That will be the effect of carrying this rule. Should we tell the electorate that you shall confine your choice to two per cent? The percentage of English-knowing people after all comes to two per cent. Why should we care about the medium of thought? There are excellent men throughout this Presidency, men well versed in business affairs, in worldly business and in local affairs who merely because of the accident of not knowing English would be deprived of a voice in this Council. There should be a reservation in favour of those who are ignorant of English. We heartily approve of the principle that English shall ordinarily be the language of the Council, except in the case of those who are ignorant of it. It is open to the Advocate-General to say that the proviso is sufficient; if the proviso does not safeguard the interests of those who are ignorant of English, I do not know why it stands on paper. If it really safeguards the interests of those who are ignorant of English, what is the objection to making it clear and introducing a clear reservation in favour of those who are ignorant of English? The difference between the position taken up by the Hon'ble Mr. Narasimha Ayyar and that taken up by the Hon'ble the Advocate-General is this: In this case, the discretion is given to the President of the Council to

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exercise it or not in any particular case, but our standpoint is this: it must not be left to the sweet will and pleasure of the President for the time being but it must be the undoubted right of a member who is not sufficiently acquainted with English to make his views known in the language which he knows best. We want to safeguard the rights of a non-English-knowing member. The coming reforms are almost in sight and the strength of the Council will be greatly increased and we have to see that it is quite possible that we may have a member who does not know English and yet he may be an admirable man. Why should we not then introduce an express reservation in favour of those who otherwise are admirable men but who do not know English? Why should they not be allowed to speak in the vernacular without the sanction of the President?"

The Hon'ble Diwan Bahadur P. TYAGARAYA CHETTI :—"Your Excellency, I am afraid we are spending a good deal of time over a matter which does not deserve such importance. My Hon'ble Friend Mr. Ramachandra Ayyar has said that the electors are not ignorant men, but that they are all very sensible men and they would not elect a deaf and dumb person. I am sure the electorate are as good as he himself admits to be and they would not elect persons who do not know English. That seems to be our experience of things. I do not know what it will be under the reform scheme. But as far as we have gone, it is only the English-educated men that are elected. My Hon'ble Friend Mr. Narasimha Ayyar has told us that there were two or three opponents of his who were ignorant of English, in the late elections and surely the result is clear because those men were not elected and it is only the Hon'ble Mr. Narasimha Ayyar that was elected. That shows clearly that the electorate have the sense of knowing that only the English-educated men are required in this Council. Under such circumstances, there is no necessity for the amendment. My Hon'ble Friend Mr. Narasimha Raju has told us that Mr. Kesava Pillai has read a Tamil letter. It is for such a contingency that this proviso is inserted as proposed by the Hon'ble the Advocate-General. It is but right that the President should have this discretion so that when such letters are read to the Council to convince the members of Council with regard to the real state of feeling of the people, such a provision may be used. There is no necessity, however, for the amendment of the Hon'ble Mr. Narasimha Ayyar."

The Hon'ble Mr. M. D. DEVADOSS :—"Your Excellency, I wish to oppose the amendment. The rule sought to be introduced provides ample scope for the exercise of discretion by the President. Whenever a suitable case comes up, I do not suppose that the President would decline to give permission. I think some Honourable Members are fighting a shadow. They seem to think that it takes away the liberty of the subject or the right of the voter to send whomsoever he likes. The rule does not at all stand in the way of anybody contesting the election and being returned. If he is thoroughly unacquainted with the English language and if he has anything valuable to say, certainly the President can be approached and trusted to give him permission in the exercise of his discretion to speak in the language he knows. His speech may be interpreted to other members. I do not see that this new rule which is now introduced and which merely emphasises the practice or the usage of this Council can be said in any way to take away the right of any member of this Council. As the Hon'ble the Advocate-General said, we all come here for the purpose of making our views known. If a man likes to talk in a strange language, he is not benefiting himself nor is he benefiting the audience. I find one difficulty in accepting the amendment proposed by the Hon'ble Mr. Narasimha Ayyar. He says: 'Provided that a person ignorant of English.' Who is to gauge the ignorance? What amount of ignorance is necessary? A person may be able to understand what goes on here, but still he may not be able to express himself and he may not be able to get up and make a speech. A man may know English but he may not be able to address the Council in English. The amendment proposed does not in any way improve the proviso. The proviso as it stands gives ample scope for the exercise of discretion by the President in proper cases. If a member says 'I am ignorant of English' are we to sit in judgment to find out whether he is really so or not? It would be invidious. If he is really ignorant of English, he may learn English and improve himself as the Hon'ble the Advocate-General said and he may get his speech written out. It is not necessary that every one should make an extempore speech in this Council. If proceedings are conducted in a leisurely manner from the mere fact that he does not know English and that he cannot speak in English, it cannot be said that he will not be able to take an intelligent part in the proceedings of this Council. So it is unnecessary to have the amendment proposed. The proviso as it stands provides ample scope for the exercise of discretion and I think we may accept the rule as moved by the Hon'ble the Advocate-General."

The Hon'ble Mr. T. ARUMAINATHA PILLAI :—"Your Excellency, I beg to oppose the amendment moved by the Hon'ble Mr. Narasimha Ayyar and support the motion moved by the Hon'ble the Advocate-General. I must first observe, Your Excellency, that so far as the objections now propounded by the Hon'ble Mr. Narasimha Ayyar and his supporters are concerned, they try to raise their own nightmares and demolish them. English has become the common language. We are all conducting our political propaganda everywhere in English.

All our congresses, our conferences are conducted in English. If any member wants to speak in his own language, he is understood only by a few people and the rest of the audience are only expecting when he would finish his speech and sit down. If that is the state of affairs, I cannot understand why there should be any sort of objection to the rule now before the House. Honourable Gentlemen who had been opposing the Hon'ble the Advocate-General by proposing an amendment, say that so far as this Council is concerned, we are all right, and that for the coming Council, we ought not to legislate. It is perfectly true that so far as the present Council is concerned, we all understand English and therefore it is unnecessary to say anything, but in the coming Council, in the reformed council, if there is any necessity to permit vernacular speeches, and when it is the sacred right of any member not to be refused his right of speech, it can be introduced into the new Council and with the very large majority of non-official members we can have that rule passed. So far as I am concerned, I do not think that there is any reason why we should fight for the reformed councils at this stage. Then I understood the Hon'ble Mr. Ramachandra Ayyar saying that it would be a sheer injustice on the part of this Council to deprive a man of his ordinary right to speak and make him a dummy member. So far as that member is concerned, if at all there is anybody in this Council who does not know English, how is it possible for him to understand the proceedings which are conducted in English? How would that man as the Hon'ble the Advocate-General put it, understand any Bills or resolutions and the other things that are brought before this Council? As Your Excellency has been good enough to assure us, the proviso would not be a dead letter. I think the amendment moved by the Hon'ble Mr. Narasimha Ayyar is quite superfluous. So far as this rule is concerned, it says that the business of this Council shall be ordinarily conducted in English and then the proviso runs that the President may in his discretion permit a departure from this rule. But my Hon'ble Friend Mr. Narasimha Ayyar wants an addition. He wants to add 'Provided any member who does not know English shall be allowed to speak in his own language.' The Hon'ble Mr. Narasimha Ayyar says that the original proviso amounts to blowing hot and cold. If that is so, may I ask him what this proviso means? His proviso would come to the same thing. It is therefore a redundancy which the Hon'ble Mr. Narasimha Ayyar seeks to graft. This proviso is enough so far as my humble opinion goes and therefore I submit, Your Excellency, that the amendment moved by the Hon'ble Mr. Narasimha Ayyar and supported by some other Honourable members is quite unnecessary so far as the proposition before this Council is concerned."

The Hon'ble Mr. K. VENKATAPPAYYA:—"Your Excellency, I support the amendment proposed by my Hon'ble Friend Mr. Narasimha Ayyar. My reasons are that a constitutional right must not be made dependent upon the mere discretionary power vested in the President. The rule effectually bars a citizen from entering into this Council. As the law stands, anybody who takes an interest in the problems of Government and who has the confidence of his constituency has a right to sit in the Council and take part in its deliberations. Such a constitutional rule, I submit, should not be whittled down by vesting purely a discretionary power in the President. It has been said by the Hon'ble Mr. Tyagaraya Chettiyar that a person not knowing English would not be elected as a member; but my experience of the districts shows that there are a number of persons who are really well versed in the problems of Government and there are constituencies which are quite anxious to send them, though they are not educated in English. It has been said that English has become the common language of the country. I do not understand this statement; with two or three per cent of English-knowing people in the country how English has become the common language in the country I cannot understand. It is said that the proceedings of conferences and congresses are conducted in English. So far as I know, in the Telugu districts, conferences are conducted in Telugu and no person is allowed to speak in English. And even in the Tamil districts, I understand that the vernacular is the language of the proceedings of the conferences there. The object of the people is to know the state of the Government and its problems and it should also be the aim of the Government to educate the masses and acquaint them with the problems of Government. This can best be done only by the medium of vernaculars. We are on the eve of the inauguration of responsible government and it is not proper to discourage vernaculars and to bar persons entitled to enter the Council from speaking in their vernacular. With these few words, I support the amendment moved by the Hon'ble Mr. Narasimha Ayyar."

The Hon'ble Sir GORDON FRASER:—"Your Excellency, I beg to oppose the amendment. We have already had too many speeches but I would just like to make one or two remarks. The honourable proposer of the amendment said that no other language than English would suit this Council. In my opinion, that sums up the whole position. That being so, I do not see why we should go into side issues and lose ourselves as we have done. Unless the resolution proposed by the Hon'ble the Advocate-General is passed, there is no provision against a repetition of the recent deliberate attempt to confuse the work of this Council, an attempt which, I might say, was fortunately lost in the laughter arising from the remark made by our late lamented colleague Doctor Nayar who suggested that the Honourable Member might be allowed to continue his speech while the Council adjourned for lunch. Unless the resolution of

the Hon'ble the Advocate-General is accepted by this Council, any member may deliberately give trouble and interfere with the smooth working of this Council and this, I contend, is a position which no Government can possibly put up with. They must take precautions to guard against it. Then again, Honourable Members have spoken against the proviso as it stands in the resolution moved by the Hon'ble the Advocate-General. I contend that the proviso as it stands there is ample and the amended proviso as now before the Council is quite unnecessary. If the President for the time being of this Council proves hard-hearted and obstinate and does not administer this rule in the manner in which it should be administered, non-official members of this Council have ample powers in their hands to take steps in the matter. They can then bring forward an amendment to the present rules, and as the Council is constituted, at present, with a liberal non-official majority, I think there will be no difficulty in arranging matters with the President to interpret this rule in a liberal and proper manner. At present I consider that the resolution on paper as moved by the Hon'ble the Advocate-General is absolutely necessary and to my mind it requires a very wide stretch of the imagination to conjure up any injustice that might arise by this resolution. Then, again, the Honourable Seconder of the amendment before the Council has referred to the possibility of a member sitting in this Council like a mummy. I quite agree with my Honourable Friend opposite who has referred to this matter that any member sitting in this Council and not understanding English would certainly sit like a mummy. The Hon'ble Mr. Tyagaraya Chettiyar, I think, has put the matter very clearly when he said that the electorate of this country are not likely to return persons unless they do understand English. The number of vernaculars in the Presidency is so varied that any member coming to this Council understanding only one single vernacular would be in an absolutely hopeless position. I therefore oppose the amendment."

The Hon'ble Rao Sahib M. C. MUTTAYYA CHETTIYAR :—"I wish to oppose the amendment and support the motion brought forward by the Hon'ble the Advocate-General. I take it that the motion brought forward by the Hon'ble the Advocate-General has two objects in view. First it clearly defines the language to be used in the Council in order to avoid confusion and secondly it says that if any member declares bona fide that he could talk only in a vernacular language, he will have an opportunity to do so with the President's permission. But it only prevents members knowing English from speaking in the vernacular. In a country divided by many castes and creeds and diverse languages, anything that will tend towards unity should be most welcome to all of us and the importance of a common language cannot be too much emphasised. I, therefore, wish to support the motion of the Hon'ble the Advocate-General."

The Hon'ble Mr. B. V. NARASIMHA AYYAR :—"Just a few words in reply, Your Excellency. Most of the points have been already covered and one or two still remain to be met, and one or two observations have to be put forward. I wish to point out what exactly I wish to state in this connexion. My argument has been sought to be met in some ways. My Hon'ble Friend Mr. Tyagaraya Chettiyar has prophesied that there would be no one returned by the constituency who is ignorant of English. I am not much of a prophet and I shall not spend the time of the Council in trying to find out whether his prophecy is good or bad. Then there are others who have been talking on the assumption that there would be no elections at all till the reforms come. That again is a serious assumption or prophecy for which I find no warrant. It may be that any particular member may have to go abroad or resign or there may be other vacancies even within the short life of this Council. Contingencies may arise which may cause a vacancy. I beg to submit that when once you are enacting rules, you are not entitled to say that such contingencies will not arise. It is not right to say that it is merely academical to raise the question that I have raised ; nor is it right to say 'let the question be considered when the reformed Council comes in.' Then I have been answered that I am pleading the cause of persons who are ignorant of English, who if the present rule is enacted, in the language of my Honourable Friend, will be mummies. We are told that a man who is ignorant of English is a dummy or a mummy already. My conception of a member is not that. It is neither accurate nor fair to the persons who are ignorant of English. They may be informed by their neighbours as to what goes on. If my neighbour is not conversant with the language, he gets it explained by me and replies at once. The question of ignorance of language has not arisen yet, but the question of deafness has arisen. My friend Mr. M. Ramachandra Rao told me that he was seated between two gentlemen who were short of hearing, he had one deaf man on the right and another deaf man on the left ; and he used to explain what was going on, so that with his help they used to make their speeches. In some such way, a person who is ignorant of English may have some one to coach him up and he may have something to say. It is not necessary nor is it correct to say that the man will be a mummy. Another position is advanced. I think the Hon'ble Mr. Devadoss urged the objection that 'ignorance of English' does not admit of a clear definition. I do not think it is so difficult. With his help, we shall be able to define it ; and if my friend would say that those who have gone up to the S.S.L.C. class and obtained 40 per cent in the examination in English

(Mr. Narasimha Ayyar ; the President.) [12TH AUGUST 1919.

may be considered to know English, I shall be quite content to accept the definition. I do not think any one will put forward the plea of not knowing English if he does know some English. Then the Hon'ble Mr. Muttayya Chettiyar mentioned that if an Honourable Member puts forward the plea that he does not know English, the President will be able to give him the permission. I was really wondering how holding the view that he does, the Hon'ble Mr. Muttayya Chettiyar failed to support the amendment because my amendment is less than what he asks. He says that if any Honourable Member declares bona fide that he does not know English, he should be allowed to speak in his vernacular. I presume he must see the reasonableness of my amendment. Then there are others who have stated that if the present rule is enacted, it will work no hardship because the President will give him permission, if he has anything worth saying. That is just the point. The Hon'ble Mr. Devadoss who made this statement did not notice that he was introducing ' ifs '. With regard to my right to speak in this Council and with regard to the Hon'ble Mr. Devadoss's right to speak in this Council, there is no 'if'; whether the President thinks that we have exhausted the subject or not, we get up. But as the Hon'ble Mr. Devadoss put it, if the President thinks that the vernacular-knowing gentleman has got something to say, then he may allow. That is just the differentiation which is very comfortable so far as we are concerned, because none of our liberties is curtailed, but when other people's rights are curtailed, the non-English-knowing people are apt to think that we are selfish and that we, English-knowing people have it all our own way and are inclined to have their rights cut down while we are enjoying all our rights. Then the Hon'ble Sir Gordon Fraser said that the present rule would be presumed to work all right, and that if a hard-hearted President comes into existence, and if he exercises his discretion too harshly, then we can lay down a guiding principle. I beg to ask: is it proper for us to sit quiet and pass rules saying 'let us see how we get on, let us see when the necessity arises'? If the rule will permit a hard-hearted President not to give permission, why not take it up at once and enunciate a just principle? If the rule proposed by the Hon'ble the Advocate-General is not a salutary principle, why not have a guiding principle? That is all that I ask. Those who have called this rule of the Hon'ble the Advocate-General a good rule have only proved what I said, but I say in order to give greater assurance, 'support my amendment for a guiding principle to be added.' I do not see how the Hon'ble Sir Gordon Fraser's statement advances his case. It advances my case. Contingencies may arise when the need for a guiding principle may be felt. To most minds it is patent now. I will only say that general arguments prove too much, viz., that the proviso is unnecessary. This brings us back to the old argument as to the soundness of a general rule. It has been said that conferences and congresses are conducted in English. Even if that assumption be correct, there is no question about the soundness of the general rule which is enacted in the first portion of this rule. Before I conclude, I would refer to one or two personal references made to my speech. My speech was not made with a view to create a diversion or with a view to cause confusion as one Honourable Gentleman imagined. I only wish to state that the actual proposition that was raised by my speech in Tamil was to raise an issue which is not solved at all. It was a serious attempt to define a constitutional right, and very few Honourable Members who have discussed the amendment have thought out the problem or a solution for it. On the other hand, they have been very uncharitable in passing remarks on my Tamil speech. However, I am not concerned with what they said about it. A clear issue has been raised, that is, whether it is not right to lay down a guiding principle for the exercise of the discretion by the President. That is the issue. With these words, I recommend this amendment to the Council."

His Excellency the PRESIDENT:—"Before I put this amendment to the vote, I should like to bring the mind of Honourable Members down to the exact matter on which they are going to vote. My Honourable Friend wishes to dissociate any personal matter in regard to this subject, but it is extremely difficult for me to do so, because I wish to emphasize very strongly that this question would never have arisen but for the particular action of the Honourable Member. It is entirely in order that Government should absolutely safeguard themselves against a possible recurrence of that which occurred a few months ago, that they have been obliged, owing to the action of the Honourable Member, to bring forward this motion. That is the first thing. The second is: I really do think that Honourable Members who are opposing this motion, on the ground that it is curtailing the rights and privileges of their countrymen, are rather exaggerating the matter. Let us consider what the position is. Under the motion it is provided that the President may in his discretion permit any departure from this rule, the rule being that every Honourable Member should talk in English. Does any Honourable Member really suggest that if any candidate in any division or district is elected and properly elected by the electors of his particular district, and he cannot talk English, the President is going to say: 'I am very sorry, we cannot allow you to speak although you have been properly elected, because you cannot speak English?' However obstructive the President may be, his discretion would be almost always entirely in favour of the gentleman who is elected, and I can hardly conceive that the President could do anything else but accept the gentleman elected by a particular constituency. Therefore I say to Honourable Members that they are begging the question. This motion is put down for a particular purpose. The provision is absolutely simple because if a member is elected and he cannot talk English, he will still be duly elected and it is impossible for the President to refuse the discretionary power."

The amendment was put and lost.

The Hon'ble Mr. B. V. Narasimha Ayyar demanded a poll which was taken with the following result :—

For

The Hon'ble Rao Bahadur V. K. Ramanuja Achariyar Avargal.
" Mr. Konda Venkatappayya Pantulu.
" Mr. P. Siva Rao.
" Mr. B. Venkatapati Raju.
" the Raja of Ramnad.
" Mr. C. V. S. Narasimha Raju.
" Mr. T. R. Ramachandra Ayyar.
" Mr. B. V. Narasimha Ayyar.

Against

The Hon'ble Diwan Bahadur T. Desika Achariyar Avargal.
" Mr. N. E. Marjoribanks, C.I.E.
" Major-General Giffard.
" Mr. A. Y. G. Campbell.
" Mr. S. Cox.
" Mr. T. Arumainatha Pillai.
" Mr. M. C. Raja.
" the Raja of Bobbili.
" Mr. T. Richmond.
" Rao Sahib M. C. Muttayya Chettiyar Avargal.
" Rao Sahib T. Namberumal Chetti Garu.
" the Rev. Macphail.
" the Zamindar of Parlākimedi.
" Mr. V. Madhava Raja.
" the Raja of Pithāpuram.
" Khan Sahib Haji Abd-ul-lah Haji Qasim Sahib Bahadur.
" Diwan Bahadur P. Tyagaraya Chetti Garu.
" Mr. J. A. Richardson.
" Sir Gordon Fraser, *Kt.*
" Rai Bahadur T. N. Sivagnanam Pillai Avargal.
" Rao Bahadur T. Balaji Rao Nayudu Garu.
" Mr. J. H. Thonger.
" Mr. R. Littlehailes.
" Mr. L. Davidson, C.S.I.
" Mr. C. G. Todhunter.
" Khan Bahadur Muhammad Habib-ul-lah Sahib Bahadur.
" the Advocate-General.
" Mr. M. D. Devadoss.
" Mr. L. T. Harris.
" Mr. E. S. Lloyd.
" Khan Bahadur Muhammad Usman Sahib Bahadur.
" Rao Bahadur N. Subba Rao Avargal.
" Mr. W. Vijayaraghava Mudaliyar.
" Khan Bahadur A. T. G. M. Ahmad Tambi Marakkayar Sahib Bahadur.

The amendment was lost, 8 voting *for* and 34 *against* it.

The original proposition was put and carried.

THE BILL TO AMEND THE MADRAS OUTPORTS LANDING AND SHIPPING FEES ACT, 1885.

The Hon'ble Mr. A. Y. G. CAMPBELL :—" Your Excellency, I beg to present the report of the Select Committee on the Bill to amend the Madras Outports Landing and Shipping Fees Act, 1885, and move that the Bill and report be taken into consideration at once. It is now more than three months since the report and the Bill as amended by the Select Committee were published and we have received no representations or suggestions from the public concerning them. The reasons for the principal amendments proposed by the Select Committee are given in their report. In these circumstances, I have nothing more to add at this stage."

The Hon'ble the Advocate-General seconded the motion.

The motion was put and agreed to.

The Hon'ble Mr. A. Y. G. CAMPBELL :—" As no notice of amendments has been received, I beg to move under rule 51 that the Bill be now passed into law."

The Hon'ble the Advocate-General seconded the motion.

The motion was put and agreed to.

THE BILL TO AMEND THE MADRAS CIVIL COURTS ACT, 1873.

The Hon'ble Mr. L. DAVIDSON :—" Your Excellency, under rule 34 of the Rules for the conduct of business in this Council, I have the honour to introduce a Bill to amend the Madras Civil Courts Act, 1873, and move that it be read in Council. I hardly think, Sir, that it is necessary for me to enter into any details of the history of this measure. The reasons on which it is based are briefly stated in the customary statement attached to the Bill and I need merely recall to the memory of those members of this Council who were members of it in February 1918 the resolution which was then moved by Mr. T. Ranga Achariyar. The second part of that resolution recommended to Government that action should be taken to obtain the sanction of the Government of India required by section 79, clause (2), of the Government of India Act, 1915, for amending section 23 of the Madras Civil Courts Act, 1873, so as to vest certain powers of appointment, suspension and dismissal in sub-judges and district munsifs. On that occasion Mr. Gillman on behalf of the Government said : 'I may say at once that the proposal which has been made by the Hon'ble Mr. Ranga Achariyar has, previous to the tabling of it, been suggested by the Government to the High Court, and the Government are in full agreement with his recommendation that appointments of ministerial officers of the courts subordinate to the district judge should be made by the presiding officers of those courts, subject only to the control of the district judge. That matter is now under correspondence between the Government and the High Court. . . I accept the second part of the resolution.' The Hon'ble Mr. Gillman's assurance has been given effect to in the Bill now before the Council. The exact phraseology has been settled after consultation with the Hon'ble the Advocate-General and it has been approved by the Government of India, subject merely to one formal amendment which I wish to propose with your Excellency's permission at a later stage. I now move that the Bill be read in Council."

The Hon'ble the Advocate-General seconded the motion.

The motion was put and agreed to.

The Secretary read the title of the Bill.

The Hon'ble Mr. L. DAVIDSON :—" The Secretary having read the title of the Bill, I beg to move that, in view of its non-contentious character, the Bill be not referred to a select committee for report."

The Hon'ble the Advocate-General seconded the motion.

The motion was put and agreed to.

The Hon'ble Mr. L. DAVIDSON :—"I now come to the third motion, namely, that rule 46 be suspended in order that the substance of the Bill may be taken into consideration at once. Under rule 46 in the ordinary case the Bill would not be taken into consideration until after the expiration of fifteen days. I presume the Council will not insist upon the fifteen days."

The Hon'ble the Advocate-General seconded the motion.

The motion was put and agreed to.

The Hon'ble Mr. L. DAVIDSON :—" Before moving that the Bill be passed into law, I have to move for the one formal change to which I referred a few minutes since as suggested by the Government of India. It is tabled on the agenda paper and consists of a slight addition to the preamble in these terms :—

'In the preamble, after the words " the Madras Civil Courts Act, 1873," the following words shall be inserted, namely :—

" and whereas the previous sanction of the Governor-General required by section 79, sub-section (2), of the Government of India Act, 1915, has been obtained to the passing of this Act."'

" That addition, as I have said, is proposed at the specific request of the Government of India and it is in accordance with the practice customary in such cases."

The Hon'ble the Advocate-General seconded the amendment.

The amendment was put and agreed to.

The Hon'ble Mr. L. DAVIDSON :—" Subject to the alteration in the preamble of the Bill, I now move that the Bill be passed into law."

The Hon'ble the Advocate-General seconded the motion.

The motion was put and agreed to.

THE BILL TO AMEND THE MADRAS FOREST ACT, 1882.

The Hon'ble Mr. L. DAVIDSON :—"Your Excellency, this is another Bill which I will not say is of a purely formal character but which is emphatically a non-contentious measure. It follows as a natural consequence of the recent appointment of my Hon'ble Friend Mr. Cox as the Chief Conservator and head of the Forest Department. Under the Madras Forest Act, 1882, certain powers are conferred upon the Board of Revenue or may be delegated by the Governor in Council to the Board of Revenue, and now that the direct connexion between the Board of Revenue and the Forest Department which was previously administered by a Member of the Board of Revenue has come to an end, it is necessary to make provision for the discharge of those duties formerly devolving upon the Board of Revenue. In most cases this will mean the transfer to the Chief Conservator. It is necessary, however, that the Government should have the statutory power to direct such transfer to the Chief Conservator or any other authority they may appoint for that purpose. That, Sir, is the origin of the Bill. I now beg to move that the Bill be read in Council and if that motion be carried the Secretary will be so good as to read it in Council."

The Hon'ble the Advocate-General seconded the motion.

The motion was put and agreed to.

Th Secretary read the title of the Bill.

The Hon'ble Mr. L. DAVIDSON :—"I beg to move, as on a former occasion, that the Bill be not referred to a select committee for report, but be taken into consideration at once."

The Hon'ble the Advocate-General seconded the motion.

The motion was put and agreed to.

The Hon'ble Mr. L. DAVIDSON :—"I now beg to move that the operation of Council rule 46 be suspended and the Bill be taken into consideration at once."

The Hon'ble the Advocate-General seconded the motion.

The motion was put and agreed to.

The Hon'ble Mr. L. DAVIDSON :—"I now come to the practical consideration of the wording of the Bill. Here there are one or two verbal amendments which I have obtained Your Excellency's permission to move without the formal notice prescribed by rule 23. It seems better that I should deal with them collectively rather than individually, and I would ask Your Excellency's permission to adopt this course. I have consulted the Hon'ble the Advocate-General and he is in entire agreement with the changes proposed. The first relates to the preamble. The Hon'ble the Advocate-General agrees with me that the words 'as amended by the Madras Decentralization Act, 1914,' are surplusage and may be omitted. The second change relates to clause 1. The title of the Bill, as it stands, is 'the Madras Forest Act Amendment Act, 1919.' When a Bill purports to make a slight amendment in the principal Act, it is not customary to use the word 'Act' twice over in the title, and according to the usual formula the title of this measure should be 'the Madras Forest (Amendment) Act, 1919.' It will be noticed that this change is in harmony with the title that we have just adopted in the case of the Madras Village Courts (Amendment) Act. The third change relates to clause 2. I propose to transfer the qualifying words to the beginning of the clause and to make two further trivial alterations, namely, (i) to omit the words 'from time to time' and (ii) to replace the words 'any or all' by the words 'all or any'. Clause 2 as amended will thus run,—

'Notwithstanding anything contained in the Madras Forest Act, 1882, the Governor in Council may delegate to the Chief Conservator of Forests, or to such other officer or authority as the Governor in Council may appoint, all or any of the powers which are conferred on, or may be delegated to, the Board of Revenue or other controlling Revenue authority by or under the said Act.'

"I should explain that the words 'from time to time' are superfluous under section 13 of the Madras General Clauses Act, 1891."

The Hon'ble the ADVOCATE-GENERAL :—"I beg to second the amendments. They are all merely verbal changes. The object of Government is to make this delegation of powers under the Forest Act to the Conservator of Forests. The person in whose favour the delegation is to be exercised under the Forest Act, is the Board of Revenue and the object of this Bill is to delegate them to the Chief Conservator of Forests who takes the place of the Board of Revenue in respect of forest administration."

His Excellency the PRESIDENT :—"As the amendments are purely verbal, I put them en bloc."

The amendments were put and agreed to.

The Hon'ble Mr. L. DAVIDSON :—"I have now only to move that the Bill as amended be passed into law."

The Hon'ble the Advocate-General seconded the motion.

The motion was put and agreed to.

(The President.) [12TH AUGUST 1919.

His Excellency the PRESIDENT :—" Before I declare this Council adjourned, I should like to inform honourable non-official members that there is to be a meeting of the non-official members this afternoon—I take it that Honourable Members will prefer to come after lunch—to elect six members of the Finance Committee under the presidency of the Finance Member. I should like to know whether he would like to go on with the work now or after lunch. (The Hon'ble Mr. C. G. Todhunter :—" At 2-45 p.m. ") The meeting will be at 2-45 p.m. Before we adjourn, I wish to express very sincerely to Honourable Members my appreciation of what I consider to be a good omen for the future that we seem to have passed three legislative measures in an absolutely record time. The Council will now adjourn."

The Council then adjourned *sine die*.

H. G. STOKES,
Acting Secretary to Govt., L. & M. (Legislative) Dept.

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